

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

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**HENRY PETERS, et al.,**

**Plaintiff,**

**v.**

**ROLAND DAVID, et al.,**

**Defendant.**

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**Civil Action No. 07-2210(KSH)**

**: ORDER ON INFORMAL APPLICATION**

This matter having come before the Court as a result of the Order dated August 10, 2010, in which, among other things, the Hon. Katharine S. Hayden directed plaintiff's counsel and defendant Zagoric to appear in the Courtroom of the Undersigned to conduct defendant Zagoric's deposition;

and the docket reflecting that all parties had received notice of the Order and counsel for defendant Dy having appeared for the deposition;

and plaintiff's counsel and defendant Zagoric both failing to appear as directed;

and counsel for defendant Dy having represented that they received no communication from plaintiff or defendant Zagoric that they were not appearing;

and for the reasons discussed on the record on September 21, 2010;

IT IS THEREFORE ON THIS 21st day of September, 2010

ORDERED that the plaintiff's counsel and defendant Zagoric are both found to be in violation of the August 10, 2010 Order;

IT IS FURTHER ORDERED that because plaintiff's counsel did not appear as directed, then he cannot use defendant Zagoric's nonappearance on September 21, 2010 as a basis to seek

to strike her Answer or enter default; and

IT IS FURTHER ORDERED that the request of counsel for defendant Dy for the fees incurred appearing for the deposition is denied at this time.

s/Patty Shwartz

**UNITED STATES MAGISTRATE JUDGE**